

### REMARKS

Applicants acknowledge receipt of the Office Action mailed October 4, 2010.

In the Office Action<sup>1</sup>, the Examiner rejected claims 1, 4, 5, and 8-14 under 35 U.S.C. § 103(a) as being unpatentable over *Nguyen* (U.S. Patent No. 7,036,091) in view of *Mitchell et al.* ("*Mitchell*") (U.S. Patent No. 6,628,304), further in view of *Robbins* (U.S. Patent No. 6,819,344), further in view of *Torres* (U.S. Patent No. 5,317,687), further in view of *Vayda et al.* ("*Vayda*") (U.S. Patent No. 5,745,717), further in view of *Os et al.* ("*Os*") (U.S. Patent No. 6,781,610), and further in view of *Tanaka et al.* ("*Tanaka*") (U.S. Patent No. 6,544,123).

By this Amendment, Applicants amend claims 1 and 5, and cancel claims 4 and 8, without prejudice or disclaimer. Upon entry of this Amendment, claims 1, 5, and 9-14 will be pending. Of these claims, claims 1 and 5 are independent.

The originally-filed specification, claims, abstract, and drawings fully support the amendments to claims 1 and 5. No new matter has been introduced.

Based on the foregoing amendments, Applicants traverse the rejection above and respectfully request reconsideration for at least the reasons that follow.

#### **I. 35 U.S.C. § 103(a) REJECTION**

Claims 1, 4, 5, and 8-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nguyen* in view of *Mitchell*, further in view of *Robbins*, further in view of *Torres*, further in view of *Vayda*, further in view of *Os*, and further in view of *Tanaka*.

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<sup>1</sup> The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

Applicants respectfully disagree with the Examiner's arguments and conclusions and submit that amended independent claims 1 and 5 are patentably distinguishable over the cited references at least for the reasons set forth below. Applicants further submit that the rejection of claims 4 and 8 has been rendered moot by the cancellation of those claims.

The Office Action has not properly resolved the *Graham* factual inquiries, as required to establish a framework for an objective obviousness analysis. See M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398 (2007). In particular, the Office Action has not properly ascertained the differences between the claimed invention and the prior art, at least because the Office Action has not interpreted the prior art and considered both the invention and the prior art as a whole. See M.P.E.P. § 2141(II)(B).

Amended independent claim 1, and similarly amended independent claim 5, recites a method for displaying an electronic equipment input state on a menu screen, the method comprising the steps of: "displaying on a display device a first ring on a picture screen and primary icons at predetermined intervals on the first ring; . . . highlighting a first icon of the primary icons while also displaying a second icon of the primary icons, . . . [and] highlighting the second icon corresponding to an operation, . . . wherein one of the primary icons displayed on the first ring corresponds to the operation of returning to a display including a previous menu layer" (emphases added). Applicants submit that the cited references, whether taken alone or in any proper

combination, fail to teach or suggest the above-quoted feature recited in amended independent claim 1, and similarly amended independent claim 5.

*Nguyen* appears to disclose a user interface which includes a first menu comprising a first set of selectable options circumferentially disposed on the first menu. In response to a selection of an option from the first menu, a second menu is displayed. The second menu may be concentrically-disposed relative to the first menu. The second menu includes a second set of circumferentially-disposed, selectable options, which may or may not be hierarchically relate to the first set of selectable options. (*Nguyen*, Abstract).

*Nguyen*, however, fails to teach or suggest, "wherein one of the primary icons displayed on the first ring corresponds to the operation of returning to a display including a previous menu layer" (emphases added), as recited in amended independent claim 1, and similarly amended independent claim 5. The Examiner alleges that *Nguyen* discloses such feature in column 9, lines 56-61 "(i.e. fade in or out as needed . . .)." (*Office Action*, p. 7, ll. 5-7). Applicants respectfully disagree. *Nguyen* does not disclose an actual "return" icon and operation for returning to a previous menu. Rather, *Nguyen* discloses that, "menus 420, 520, 620 may 'fade' in or out as necessary. Such effects may increase the visual appeal and entertainment value of the GUI 410" (col. 9, 59-61).

Quite the opposite, as illustrated in Applicants' FIG. 5, for example, one of the primary icons displayed on the ring 200 is a "return" icon. As further supported by Applicants' specification on page 11, lines 4-13, "if the icon in the front is an icon indicating the return, it is judged whether or not there is a ring of upper layer than the

ring displayed at present . . . ; if there is a ring of upper layer, display on a picture screen is switched over to the display of the whole ring of upper layer . . . When it is judged that there is no ring of upper layer . . . , a display of a menu screen is made to finish . . . ” Accordingly, the “fade “in or out feature disclosed in *Nguyen* is not analogous to the claimed “operation of returning to a display including a previous menu layer,” as the “fade in or out” feature is merely a visual effect.

Further, *Mitchell, Robbins, Torres, Vayda, Os, and Tanaka*, whether taken alone or in any proper combination, fail to cure the deficiencies of *Nguyen* and do not teach or suggest “wherein one of the primary icons displayed on the first ring corresponds to the operation of returning to a display including a previous menu layer” (emphases added), as recited in amended independent claim 1. The Office Action does not allege otherwise.

As explained above, the elements of independent claim 1 are neither taught nor suggested by the cited references. Consequently, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claim. Accordingly, no reason has been clearly articulated as to why the claim would have been obvious to one of ordinary skill in view of the prior art. Therefore, a *prima facie* case of obviousness has not been established for independent claim 1. Claim 1, and claims 5 and 9-14 which depend therefrom, are patentable over *Nguyen, Mitchell, Robbins, Torres, Vayda, Os, and Tanaka*. Applicants therefore request that the rejection of claims 1, 4, 5, and 8-14 under 35 U.S.C. § 103(a) be withdrawn.

## II. CONCLUSION

Applicants respectfully submit that claims 1, 4, 5, and 8-14 are in condition for allowance.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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